

NOT TO BE PUBLISHED

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Tehama)

----

THE PEOPLE,

Plaintiff and Respondent,

v.

IAN MICHAEL GONZALEZ,

Defendant and Appellant.

C087954

(Super. Ct. No. 17CR002900)

Appointed counsel for defendant Ian Michael Gonzalez asked this court to review the record and determine whether any arguable issues exist on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Finding no arguable error that would result in a disposition more favorable to defendant, we will affirm the judgment.

I

On October 31, 2017, defendant entered the bedroom where B.B. was sleeping. They had been dating for several years and had a child together, but had been living apart

for two weeks. Defendant pointed a pistol at her head and threatened to shoot her and everyone in the house. After examining her cell phone and finding texts from another man, defendant grabbed B.B. by the arm and forced her downstairs and then outside. Defendant pointed the pistol at two other residents, D.B. and C.B., when they tried to intervene. When B.B. escaped into the house, defendant retrieved an AK-47 rifle from his truck and exclaimed, “I’m going to smoke everyone,” as he fired two rounds into the back door of the house. Defendant went back into the house and fired more rounds during a struggle with D.B. He fled when law enforcement was called.

Defendant pled guilty to attempted murder (Pen. Code, §§ 664/187) with an enhancement for personally and intentionally discharging a firearm (§ 12022.53, subd. (c)), and no contest to assault with a deadly weapon (§ 245, subd. (a)(1)) pursuant to *People v. West* (1970) 3 Cal.3d 595. The trial court sentenced defendant to a 29-year state prison term. The court also imposed various fines and fees, including a \$2,100 restitution fine (§ 1202.4, subd. (b)), and awarded 333 days of presentence credit (290 conduct and 43 actual).

Defendant obtained a certificate of probable cause and appeals.

## II

Appointed counsel filed an opening brief setting forth the facts of the case and asking this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing the opening brief. More than 30 days elapsed and we received no communication from defendant.

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

\_\_\_\_\_KRAUSE\_\_\_\_\_, J.

We concur:

\_\_\_\_\_MAURO\_\_\_\_\_, Acting P. J.

\_\_\_\_\_HOCH\_\_\_\_\_, J.